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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
Macon DIVISION
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U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON, GEORGIA
QUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983

Don Lee Emory, Sr.
84536

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

Cedric Taylor; Warden
vs.
Doctor Ike Akinwande, M.D.
Vernon Speight; Medical Director

(NAME OF EACH DEFENDANT)

Defendant(s)

CIVIL ACTION NO:

5:15-CV-105

I. GENERAL INFORMATION

1. Your full name and prison number Don Lee Emory, Sr. # 84536
2. Name and location of prison where you are now confined Baldwin State Prison; Hardwick, GA.
3. Sentence you are now serving (how long?) 12 years

(a) What were you convicted of? Possession of cocaine; theft by receiving;
Habitual Violator (driving)

(b) Name and location of court which imposed sentence White County Superior
Court; Cleveland, Ga.

(c) When was sentence imposed? January 2008

(d) Did you appeal your sentence and/or conviction? Yes No

(e) What was the result of your appeal?

(f) Approximate date your sentence will be completed June 2019

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes No

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ When did you file this lawsuit? _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes No

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): Don Lee Emory, Sr.; SOID # 40140

Defendant(s): Cobb Co. Commissioner; Cobb County Police Dept

(b) Name of Court: U.S. District Court For the Northwestern District of Ga.

(c) Docket Number: unk When did you file this lawsuit? 1997-98

(d) Name of judge assigned to case: unk.

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

1998 - abandoned, dismissed for want of prosecution

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes No

If your answer is Yes, state the name of the court and docket number as to each case:

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? Baldwin State Prison; Hardwick, GA.

(a) Does this institution have a grievance procedure? Yes No

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes No

(2) If Yes, what was the result? Inmate is receiving effective medical care. Therefore, this grievance should be closed. Warden's Response 1-5-15
Appeal submitted 1-13-15. Pending response.

(3) If No, explain why not:

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

Medical Request dated 10-21-14 ; Medical Request Form 11-09-14 ;
Sick Call Nurse on Duty. Warden Cedric Taylor directed medical
attention 11/14 ; Oconee Medical Center advised 12/14 ; NP/PA Endres 12/14

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes No

(1) If Yes, to whom did you appeal and what was the result? Filed/Submitted
Appeal of Warden's Response 1-13-15 ; no results as of
3-3-15

(2) If No, explain why you did not appeal:

10. In what other institutions have been confined? Give dates of entry and exit.

Valdosta State Prison - 2008/2011

Coffee County State Prison 1998/1999

Dooly State Prison 1996/1997

Rogers State Prison 1991/1993

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailing address.

Baldwin State Prison

P.O. Box 218

Hardwick, Georgia 31034

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

Cedric Taylor, Warden, Baldwin State Prison

Doctor Ike Akunwanne, Medical Doctor, Baldwin State Prison

Vernon Speight, Medical Director, Baldwin State Prison

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim **SEPARATELY**.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. **KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT!** If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? Baldwin State Prison

WHEN do you allege this incident took place? 10/21/14

WHAT happened? I submitted a Medical Request Form on 10-17-14 asking to be seen about an open wound in my chest area which was a result of heart surgery performed in 2008. I was seen by a sick call nurse on 10-21-14 and she referred my injury to DR. Ike Akunwanni for treatment. On 11-09-14, I submitted a 2nd Medical Request Form seeking medical treatment for the same open wound which had progressively got worse. The wound was "draining" constantly and I was having to apply bandages using toilet paper and boxing tape. The sick call nurse stated DR. Akunwanni was aware of the problem and he refused to order anti-biotics as previously prescribed for treatment. DR. Akunwanni stated I'd have to wait and see a cardiologist. I expected a transfer to Augusta Medical Prison was being arranged promptly since the wound was in danger of developing staph infection and was painful to the touch and causing a lack of sleep from lying face down or in a fetal position.

As the weeks progressed and my concerns, discomfort and

alarm grew, I sought out the assistance of the Warden, Cedric Taylor. During a daily inspection tour the Warden was conducting, I showed Warden Taylor the wound and explained the Doctor's response. The Warden directed me to go to Medical immediately and instructed Medical, by phone, to provide treatment as needed. I was told at Medical that I'd have to wait to go to Augusta Medical Prison.

Experiencing chest pains associated with heart failure, I was rushed to Oconee Medical Hospital for immediate care during the month of December 2014 where a Emergency Room Physician observed the open wound and commented she would advise the prison medical staff that treatment be scheduled within a week for the open wound since it was related to heart surgery procedures.

Also, on the 17th day of December 2014, I was requested by medical physician's assistant NP Andreas at Baldwin State Prison to come to her office for the purpose of up-dating medical profiles which restrict and/or permit certain daily activities. While I was in her office, I inquired about treatment for the open wound still being un-treated. She could only speculate I'd be seen during a regular six-month scheduled evaluation appointment at Augusta Medical Prison with the cardiologist. In the meantime I'd need to "stop using toilet paper" bandages to cover the wound and instead use band-aids she would give

weekly since Doctor Akunwarne refused treating with anti-biotics. NP/PA Endreas had previously suggested to Doctor Akunwarne, performing surgery to remove the wire from the chest area but Dr. Akunwarne stated "not until you can see the wire protruding from the wound on his chest.

I was required to appear at Medical once a week in response to a Inmate Call-Out which was designated as "treatment" to pick up (7) seven wide strip band-aids designed to cover the wound and prevent fluid leakage from staining outer clothing and/or infection from germs getting into the open wound. It was my responsibility to keep the open wound clean and covered until treatment could be arranged.

On the 3rd day of December 2014, I submitted an institutional grievance (#186782) seeking assistance from the institution for being denied prompt and adequate medical treatment. This grievance was left unanswered until I spoke with the Medical Administrator on 01-02-15 complaining about being unable to get medical attention for the wound and not receiving a response to my grievance. Medical Administrator Speight remarked he would check into it since he was in charge of grievances directed toward medical. I received a response to this grievance on 01-09-15. (see Warden's/Superintendent's Grievance Response: Grievance #186782)

I then submitted an Appeal to the Warden's / Superintendent's Response on 01-13-15 in Grievance #186782. Several attempts have been made [REDACTED] to determine if this Appeal had been forwarded to the proper parties but there has been no positive responses.

Finally on 02-09-15 I was transferred to Augusta Medical Prison for a cardiology follow-up exam scheduled every (6) six months. The presiding or attending cardiologist, Doctor Pannir-pan, was unaware of any complications from any post-surgery wounds and/or the need for medical attention for any open wounds as a result of any post-surgery complications. There was no request by Doctor Akunwanne to schedule an earlier appointment due to these complications and no request to see the appropriate cardiology specialist. The appropriate cardiology specialist was never contacted by Doctor Akunwanne prior to a scheduled appointment nor were his services requested prior to any scheduled appointment. Plaintiff was unable to receive any medical attention for his medical problem as originally requested on 10-21-14.

Doctor Akunwanne has [REDACTED] shown and continues to show "deliberate indifference" and denial of medical treatment by failing to promptly provide adequate and effective medical attention after being informed on numerous occasions and shown

on several occasions that condition exists that jeopardizes the physical health of Plaintiff and possible death of Plaintiff if left un-treated. The administration of Baldwin State Prison, specifically Cedric Taylor, Warden of Baldwin State Prison, has allowed the rights of the Plaintiff who remains in his custody to be violated by depriving the Plaintiff of adequate medical attention after being notified through proper procedure that Plaintiff sought administrative relief from a medical condition that exposed Plaintiff to serious bodily harm and/or possible death. Neither Defendant took the necessary steps to provide Plaintiff with the proper medical care his constitutional rights insure him. The delay has caused Plaintiff to suffer needlessly and has caused physical pain to the Plaintiff which could of been prevented if a more efficient manner, had been applied to the treatment in a more timely manner.

Plaintiff has been deprived of his 8th and 14th Amendment Rights under the United States Constitution.

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

William B. Sanger, III #251428 Baldwin State Prison: 10/14 - 3/15; painful condition; treatment request
Cedric Taylor, Warden Baldwin State Prison: 11/14 directed inmate to Medical for treatment; wound
Sick Call Nurse @ Duty, 10-21-14/11-10-14 Baldwin State Prison: bandages of toilet paper; wound; delays
Augusta Medical Prison - Doctor Pannier-Pana 2-9-15: condition of wound - source of drainage; need
Jeffery A. McCullough #550950 Baldwin State Prison: 10/14 - 3/15: painful condition; band-aids

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

\$25,000.00 compensatory damages against each of the named Defendants. \$100,000.00
punitive damages against each of the named Defendants. Enter Temporary Restraining
Order against each of the named Defendants; with an Injunction to cease further
stress, pain, sufferings/medical deprivations. I hereby wish to sue each of the
named Defendants in their official and individual capacities, further — in their
Surety Bonds. I wish to have the Honorable Court to hold each of the named Defendants
liable for civil and criminal liabilities — medical malpractice's ... for each have
willfully & knowingly deprived the 8th / 14th Amendment Rights to under the U.S. Constitution.

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 9th day of March, 2015.

John Emory
PLAINTIFF

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS YOU HAVE GIVEN IN THE ATTACHED MOTION/AFFIDAVIT FORM ARE TRUE AND CORRECT. GIVING A FALSE ANSWER OR FALSE INFORMATION IN RESPONSE TO ANY QUESTION WILL SUBJECT YOU TO FEDERAL PERJURY CHARGES. 18 U.S.C. § 1621 PROVIDES AS FOLLOWS:

Whoever -

*...
(2) in any declaration, certificate, verification, or statement under
penalty of perjury as permitted under section 1746 or title 28, United
States Code, willfully subscribes as true any material matter which he
does not believe to be true;*

*is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not
more than \$2,000 or imprisoned not more than five years or both. This section is
applicable whether the statement or subscription is made within or without the United
States.*

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided by me in support of my request to proceed *in forma pauperis* are true and correct.

Executed this 9th day of March, 20 15.

Don L. Emory
(Signature of Plaintiff)